

## Annexation—Q & A

**The township and the trustees get a lot of questions about annexation. It is a complicated issue and one that sadly is affecting us in two different areas of our township. These are some of the most frequently asked questions. If you have additional questions please give us a call, send us an email or come to a Trustee meeting.**

**What is annexation?** Annexation is the territorial expansion of a municipality's corporate boundaries. In Ohio, the process of annexation is regulated by the Ohio Revised Code (chapter 709) and is administered locally by the County in which the property is located. Townships have, by the ORC, very, limited opportunities to oppose an annexation. The 2001 annexation law provides *five distinct types of annexation* that may be submitted to the board of county commissioners. The types are as follows:

**A. Regular Annexation** -- Petitions by at least 51% of the property owners within the territory proposed to be annexed.

**B. Expedited Type 1 Annexation** -- Petitions by all of the property owners within the territory proposed to be annexed, with consent of the municipality and township(s), as evidenced by either an annexation agreement or a cooperative economic development agreement (CEDA) being submitted with the petition.

**C. Expedited Type 2 Annexation** -- Petitions by all of the property owners within the territory proposed to be annexed with or without the consent of the municipality and township(s). The territory proposed to be annexed is not to be excluded from the township(s), unless otherwise provided by an annexation agreement or a CEDA.

**D. Expedited Type 3 Annexation** -- Petitions by all of the property owners within the territory proposed to be annexed for the purpose of undertaking a significant economic development project. The territory proposed to be annexed is not to be excluded from the township(s), unless otherwise provided by an annexation agreement or a CEDA.

**E. Annexation by Petition of a Municipality for Municipal, County, or State Owned Land** -- Petitions by a municipality to annex municipal, county, or state owned land that is contiguous to the municipality. The territory to be annexed is not to be excluded from the township(s).

**If a parcel of land is surrounded by a municipality, does it automatically become annexed?** No

**Can annexation cross a roadway?** Yes. A road does not block annexation. If a parcel is across the street from a municipality, it is considered contiguous to the municipality, even though a road is between the actual boundaries.

**What happens to the school district borders in an annexation?** The school district borders do not change as a result of an annexation. A school district can petition to change the borders, but a township has no part in that petition. For the annexations that resulted in the Carriage Trails and Parktowne developments, the school district borders did not change. Residents of Carriage Trails and Parktowne pay Miami County Property Taxes, Huber Heights Income Tax, Bethel School District property tax and Bethel School District Earned Income Tax and Huber Heights property taxes (but no Huber Heights school tax). They do not pay taxes to Bethel Township.

**When a property is annexed, do the boundary lines for the township change?** After a parcel(s) is annexed in an expedited type 2 annexation, the boundary lines for the township do not change unless the boundary lines are conformed. Conforming means the boundary lines are redrawn to completely remove the parcels from the township. The boundary lines can only be conformed *if and when* the township and the municipality reach an annexation agreement to conform the boundary lines. If no agreement is reached then the residents in the annexed area are essentially dual citizens: they can vote in township and municipality elections and pay property taxes for both. Prior annexations of township land occurred under different annexation laws. Carriage Trails and Parktownes boundary lines have been conformed and their residents are not a part of the township, thus they do not pay township taxes or vote in township elections. They do pay Bethel Local School taxes.

**When a property is annexed, do the boundary lines for the county change?** The boundary lines for the county do not change as a result of annexation.

**Why would a property owner want to annex?** The reasons for a property owner to seek a land annexation vary, but they are primarily undertaken in order for properties to have access to municipal utilities and services and denser zoning.

**Do township residents get to vote on annexation?** No, annexation is not an issue that goes before the voters.

**Can an annexation be reversed?** Yes, but the process is long and cumbersome.

**How often has this happened?** To our knowledge, never in the state of Ohio.

**How much of Bethel Township has been annexed so far and when?** To date, Bethel Township has lost 1,030 acres to annexation since 1988. We have lost, to date, approximately 5% of our township, thus fighting annexation has been and will continue to be, an extremely important issue.

## Annexation Q & A

**I thought the 3.8 mill Levy was supposed to stop annexation?** The 3.8 mill levy was passed by voters in 2003 as a general fund levy to fight annexation. In 2003, the township had no centralized water and sewer. Now, thanks to the 3.8 mill levy, the trustees planning and matching grant funds, we have water and sewer along the southern end of the township. The township now has the infrastructure to allow denser development in areas vulnerable to annexation. This denser development would create a buffer zone (of homes, commercial properties or light industrial) and block future land grabs. The structure of the Ohio Revised Code, chapter 709, gives townships very few options by which to oppose an annexation. Since the infrastructure is available, we hope to persuade property owners and/or developers to use our township infrastructure and **keep the property in the township**. While the trustees are fully aware of the desire for rural feel of Bethel Township, if we are to keep our township intact, we are going to have to allow denser development south of US Rte 40 in the areas that are vulnerable to annexation. Municipalities don't build a new water tower at the edge of their city limits - they build it at the *center* of their desired city limits so that they can service properties in all directions. All one has to do is to drive on Rte 40 and take a look at the new water tower (with the Huber Heights signage facing our township) to realize what the intentions of Huber Heights are.

**Can the Township incorporate as a village?** Per the Ohio Revised Code 707.02 (C) we would need a population density of at least 800 people per square mile for at least 2 square miles and a population greater than 5,000. Currently, we have approximately 144 people per square mile. According to the 2020 census, our population is 4,758.

**Can we become a Home Rule Township or a Charter Township?** - Home rule townships do not block annexation from a municipality. Washington Township is a home rule township and it is constantly battling annexation issues with the city of Centerville. Charter Townships are **only** in the state of Michigan; Ohio does not have them.

**What about agricultural or conservation easements?** - Conservation or Agricultural easements are usually permanent easements on the development rights of a property. An easement can be "extinguished" if the property owner files a petition in court, but this seems to be rather difficult and expensive. Case law is very minimal on how annexations affect conservation and agricultural easements. Most easements granted by the Ohio's Farmland Preservation program are a mile or more from a municipality.

**Why didn't the Township buy the property and create a park?** If property is owned by a government entity, it can be used by a municipality to access and annex property on the other side of it. Example - the City of Beavercreek annexed the Beavercreek Township Offices and two parks in 2015.

**Why didn't the Township buy the property and then sell it to someone who wants to keep it in the township?** For a township to dispose or sell property, "the sale shall be by public auction or by sealed bid to the highest bidder" (ORC 505.10). There is no way the township could control who purchased the land. Additionally, if you do the math: 1,163 acres vulnerable to annexation from Huber Heights multiplied by a selling price of \$17,000 /acre equals \$19.77 million. We don't have the funds to do this. The 3.8 mill levy (initially passed by voters in 2003) has generated slightly more than \$7.17 million in 18 years.

**What could an Enterprise Zone do?** We have an Enterprise Zone (EZ #377C). It is the area south of Ross Road to the southern township border. An Enterprise Zone *applies only to non retail business* and the township is allowed to abate or reduce only the township's portion of the tax bill (34%) to encourage a business to locate here. Once established, there is nothing to prevent these businesses from annexing to Huber Heights if their property is contiguous with the city.

**Can a group of private citizens get together and buy property and prevent annexation?** A private company could buy vulnerable properties and hold or develop them within the township. There are currently 1,163 acres that border Huber Heights in Bethel Township. A private group could purchase property and create a privately held "buffer zone". A group of citizens in Beavercreek Township has done this. However, when and if the group decides to sell and/or develop, annexation is still a possibility.

**What can a CIC do?** - A Community Improvement Corporation, (CIC) as designated by section 1724 of the ORC allows a group of citizens to purchase, develop and sell property with less restrictions than a township. However, a CIC needs seed money to begin to do this. Townships are NOT permitted to fund a CIC.

**Should I attend a Huber Heights/New Carlisle City Council Meeting?** Yes! Voice your opposition to future annexations. Let those elected officials know that Bethel Township does not want to lose additional acreage to these cities.

**Why place a Tax Increment Financing (TIF) on a property?** A TIF is an economic development mechanism available to local governments in Ohio to finance public infrastructure improvements. We know that the township will see increased demand on our public services (Fire/EMS, Police, roads, etc.). Rather than expecting the residents of our township to pay for the improvements, a TIF allows the township to collect payments on the increased assessed value of any improvement to real property. These funds are placed in a separate fund to finance the construction of public infrastructure.